

PIPA CASE SUMMARY P2006-CS-004***Unauthorized disclosure of employee's personal information by grocery store.*****Summary**

The Complainant alleged that he submitted a form containing his personal information for employee health benefit purposes to Canada Safeway Ltd. ("Safeway") corporate office through his Assistant Manager. He reported that the form was in a sealed envelope which the Complainant requested to be placed in the mail bag. He later learned that the Assistant Manager had opened the envelope and disclosed information on the form about the Complainant's medical condition to co-workers. The Complainant was embarrassed and upset by these actions.

According to Safeway, upon receiving news of this incident, the Human Resources Department immediately conducted an investigation. Safeway determined that the Assistant Manager had violated internal policy by disclosing the Complainant's personal information to his co-workers. This Assistant Manager received a three-day suspension for his misconduct.

Jurisdiction

PIPA applies to provincially-regulated private sector organizations operating in Alberta, including Safeway. The Information and Privacy Commissioner has jurisdiction in this case because Canada Safeway Ltd. is "an organization", as defined in section 1(i) of the Act. Section 36 of the Act empowers the Commissioner to conduct investigations to ensure compliance with any provision of PIPA and make recommendations to organizations regarding their obligations.

Analysis & Findings

According to sections 7(1)(d) and 19(1) of PIPA, organizations may only disclose personal information with the consent of the individual, and for purposes that are reasonable. The Assistant Manager did not have the Complainant's consent to disclose his personal information to co-workers, and did not do so for reasonable purposes.

The investigator reviewed Safeway's privacy policy to ensure that employees receive information to assist in understanding privacy obligations as representatives of Safeway. Safeway staff policy states that medical information, health records and employee files are considered personal information and can only be accessed by those employees who have a business need for it. Authorization is required to obtain access, and "employees must protect personal and confidential information" and prevent unauthorized disclosure "whether inside or outside the Company". The policy states that employees found to be in violation of this policy will be subject to discipline.

Although the investigator found that the actions of the Assistant Manager contravened PIPA, Safeway acted appropriately by conducting an investigation and disciplining the responsible employee. The investigator was satisfied that Safeway's related policy is sound and responsive to violations of privacy.

Recommendation

The investigator found that the Organization contravened section 7(1)(d) and 19(1) of PIPA, but no recommendations were made because Safeway was found to have responded to the incident appropriately. Safeway decided to send a letter of apology to the Complainant.